

Valley River, Hiwassee River, Nantahala River, in the County of Cherokee, and any person, so offending, shall be deemed and held guilty of a misdemeanor, and shall be subject to be indicted therefor, in either the Superior or County Court of Cherokee, and on conviction, shall be fined at the discretion of the Court. *Provided, nevertheless*, if any person wishing to put any Fish-trap or Mill-dam into either of said Rivers, shall first apply to the Court of Pleas and Quarter Sessions of said County, it shall be the duty of the said Court, to appoint five Commissioners to examine the said place, and if the said Commissioners, after their examination, shall give their permission in writing to the aforesaid applicant, then only it shall be lawful for him to put in the said Mill-dam or Fish-trap, and in that event, he shall not be subject to indictment.

[Ratified, the 19th day of December, 1840.]

CHAPTER XLIV.

An Act to amend an Act passed at the last General Assembly, entitled
“An Act to prevent obstructing the passage of Fish up the Pedee and main Yadkin Rivers.”

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,
That the above recited Act is hereby so amended as to authorise the owner or owners of any Fishery between the South Carolina line and the upper end of Montgomery County, who may believe his, her or their Fishery, has been unnecessarily injured, in consequence of the Commissioners leaving the main channel in laying off and designating one hundred feet for the passage of Fish, as required by the law to which this is amendatory, to petition the respective County Courts of Montgomery, Anson and Richmond; which Courts shall, on the filing of such petition, appoint one Commissioner each, who shall be a free-